

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**CHINWE ATUEGWE,**

**Plaintiff,**

**v.**

**TRINITAS HOSPITAL EMERGENCY  
DEPARTMENT, et al.,**

**Defendants.**

**Civil Action No. 18-2867 (CCC)**

**ORDER**

**THIS MATTER** having come before the Court by way of *Pro se* Plaintiff's motion for default judgment against Defendant Trinitas Hospital Emergency Department ("Defendant") (CM/ECF No. 19);

and it appearing that in order to obtain a judgment by default, a party must first seek the entry of default from the Clerk of the Court, see Rule 55(a) ("When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default);

and it appearing that entry of default by the Clerk under Rule 55(a) is a prerequisite for a default judgment under Rule 55(b), see Husain v. Casino Control Comm'n, 265 F. App'x 130, 133 (3d Cir. 2008); Limehouse v. Delaware, 144 F. App'x 921, 923 (3d Cir. 2005) (prior to obtaining default judgment under Rule 55(b), there must be an entry of default as provided by Rule 55(a));

and it appearing that Plaintiff did not request default be entered by the Clerk against Defendant pursuant to Rule 55(a) prior to filing the instant motion;

and it appearing that no entry of default has been entered against Defendant;

**IT IS on this 24th day of September 2018,**

**ORDERED** that, Plaintiff's motion for default judgment (CM/ECF No. 19) is denied, without prejudice, as premature.

s/Mark Falk  
**MARK FALK**  
**United States Magistrate Judge**